

REPORT

DATE: April 7, 2005
TO: The Regional Council
FROM: Charlotte Pienkos, Government Affairs Analyst
SUBJECT: H.R. 18 (Baca) Southern California Groundwater Remediation Act

EXECUTIVE DIRECTOR'S APPROVAL

RECOMMENDED ACTION: Support with amendment

SUMMARY:

Congressman Joe Baca (D-CA 43rd) has introduced H.R. 18, the Southern California Groundwater Remediation Act, to appropriate \$50 million in federal funding for remediation activity in the Santa Ana River watershed. After discussion by the Water Policy Task Force, H.R. 18 was considered on March 3rd by the Energy and Environment Committee, which recommends a support with amendment position. Because the proposed program would assist the ongoing clean-up efforts in the Santa Ana watershed, a support position is warranted; however, an amendment re-titling the bill is necessary to prevent misunderstandings about the program's scope, which is limited to the Santa Ana River watershed and excludes portions of Southern California.

BACKGROUND:


At its meeting on February 10th, the Water Policy Task Force discussed H.R. 18, introduced by Congressman Baca, regarding groundwater remediation. The bill, known as the Southern California Groundwater Remediation Act, appropriates \$50 million in federal funding for remediation activity in the Santa Ana River watershed. The bill contemplates a 35% local match and counts expenditures made on groundwater projects since January 1, 2000 toward the local match. Brief and broadly written, H.R. 18 promises assistance for a variety of projects and their associated, legally mandated costs. H.R. 18 follows in the tradition of other recently enacted groundwater bills benefiting Southern California, including one introduced by Congressman David Dreier for the San Gabriel River watershed.

In response to concerns expressed by the Task Force, staff was asked to re-confer with the author's staff and clarify certain provisions in the bill, including the meaning intended by its title, "Southern California Groundwater Remediation Act." Although the Santa Ana River basin is approximately 2,000 square miles in size, it does not extend throughout all Southern California counties, and confusion may arise about the scope of the program that could disadvantage other Southern California watersheds not covered by this bill.

Due to the great need for federal funds for groundwater remediation throughout Southern California, the EEC recommends a support if amended position for H.R. 18. The amendment would re-title the bill. The title preferred by the EEC is "The Santa Ana River Watershed Groundwater Remediation Act of 2005." An acceptable alternative, if helpful in maintaining the support of the Southern California Congressional Delegation, is "The Southern California (Santa Ana River Watershed) Groundwater Remediation Act of 2005."

BILL STATUS: H.R. 18 was referred on January 4th to the House Committee on Resources Subcommittee. No hearing has been scheduled.

FISCAL IMPACT:

All work related to adopting the recommended staff action is contained within the adopted FY 04/05 budget and adopted 2005 SCAG Legislative Program and does not require the allocation of any additional financial resources: 

CP#108488



**SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS**

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109TH CONGRESS
1ST SESSION

H. R. 18

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. BACA (for himself, Mrs. NAPOLITANO, Mr. CALVERT, and Mr. GARY G. MILLER of California) introduced the following bill; which was referred to the Committee on Resources

A BILL

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Southern California
5 Groundwater Remediation Act”.

1 **SEC. 2. DEFINITIONS.**

2 For the purposes of this Act:

3 (1) GROUNDWATER REMEDIATION.—The term
4 “groundwater remediation” means actions that are
5 necessary to prevent, minimize, clean up, or mitigate
6 damage to groundwater.

7 (2) LOCAL WATER AUTHORITY.—The term
8 “local water authority” means a currently existing
9 (on the date of the enactment of this Act) public
10 water district, public water utility, public water plan-
11 ning agency, municipality, or Indian Tribe located
12 within the natural watershed of the Santa Ana River
13 in the State of California.

14 (3) REMEDIATION FUND.—The term “Remedi-
15 ation Fund” means the Southern California Ground-
16 water Remediation Fund established pursuant to
17 section 3(a).

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 **SEC. 3. SOUTHERN CALIFORNIA GROUNDWATER REMEDI-**
21 **ATION.**

22 (a) SOUTHERN CALIFORNIA GROUNDWATER REME-
23 DIATION.—

24 (1) ESTABLISHMENT OF REMEDIATION
25 FUND.—There shall be established within the Treas-
26 ury of the United States an interest bearing account

1 to be known as the “Southern California Ground-
2 water Remediation Fund”.

3 (2) ADMINISTRATION OF REMEDIATION
4 FUND.—The Remediation Fund shall be adminis-
5 tered by the Secretary, acting through the Bureau of
6 Reclamation. The Secretary shall administer the Re-
7 mediation Fund in cooperation with the local water
8 authority.

9 (3) PURPOSES OF REMEDIATION FUND.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), the amounts in the Remediation
12 Fund, including interest accrued, shall be used
13 by the Secretary to provide grants to the local
14 water authority to reimburse the local water au-
15 thority for the Federal share of the costs associ-
16 ated with designing and constructing ground-
17 water remediation projects to be administered
18 by the local water authority.

19 (B) COST-SHARING LIMITATION.—

20 (i) IN GENERAL.—The Secretary may
21 not obligate any funds appropriated to the
22 Remediation Fund in a fiscal year until
23 the Secretary has deposited into the Reme-
24 diation Fund an amount provided by non-
25 Federal interests sufficient to ensure that

1 at least 35 percent of any funds obligated
2 by the Secretary for a groundwater reme-
3 diation project are from funds provided to
4 the Secretary for that project by the non-
5 Federal interests.

6 (ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall
7 be responsible for providing the non-Fed-
8 eral amount required by clause (i) for
9 projects under that local water authority.
10 The State of California, local government
11 agencies, and private entities may provide
12 all or any portion of the non-Federal
13 amount.
14

15 (iii) CREDITS TOWARD NON-FEDERAL
16 SHARE.—For purposes of clause (ii), the
17 Secretary shall credit the appropriate local
18 water authority with the value of all prior
19 expenditures by non-Federal interests
20 made after January 1, 2000, that are com-
21 patible with the purposes of this section,
22 including—

23 (I) all expenditures made by non-
24 Federal interests to design and con-
25 struct groundwater remediation

1 projects, including expenditures asso-
2 ciated with environmental analyses,
3 and public involvement activities that
4 were required to implement the
5 groundwater remediation projects in
6 compliance with applicable Federal
7 and State laws; and

8 (II) all expenditures made by
9 non-Federal interests to acquire lands,
10 easements, rights-of-way, relocations,
11 disposal areas, and water rights that
12 were required to implement a ground-
13 water remediation project.

14 (b) COMPLIANCE WITH APPLICABLE LAW.—In car-
15 rying out the activities described in this section, the Sec-
16 retary shall comply with any applicable Federal and State
17 laws.

18 (c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing
19 in this section shall be construed to affect other Federal
20 or State authorities that are being used or may be used
21 to facilitate remediation and protection of the groundwater
22 the natural watershed of the Santa Ana River in the State
23 of California. In carrying out the activities described in
24 this section, the Secretary shall integrate such activities
25 with ongoing Federal and State projects and activities.

1 None of the funds made available for such activities pursu-
2 ant to this section shall be counted against any Federal
3 authorization ceiling established for any previously author-
4 ized Federal projects or activities.

5 (d) FINANCIAL STATEMENTS AND AUDITS.—The
6 Secretary shall ensure that all funds obligated and dis-
7 bursed under this Act and expended by a local water au-
8 thority, are accounted for in accordance with generally ac-
9 cepted accounting principles and are subjected to regular
10 audits in accordance with applicable procedures, manuals,
11 and circulars of the Department of the Interior and the
12 Office of Management and Budget.

13 (e) AUTHORIZATION OF APPROPRIATIONS.— There is
14 authorized to be appropriated to the Remediation Fund
15 \$50,000,000. Such funds shall remain available until ex-
16 pended.

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